

WOLLWAGE

Appl. No. 10/518,908

September 10, 2008

REMARKS/ARGUMENTS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

The specification has been revised to correct certain obvious errors.

The claims have been revised to correct obvious errors and to define the invention with additional clarity. New claims 30-37 have been added. Support for the claims as amended and for the newly added claims can be found throughout the application, including the claims as originally filed.

Claims 18 and 32 stand objected to. Withdrawal of the objections is in order in view of the above-noted claim revisions.

Claims 18-29 stand rejected under 35 USC 101. Withdrawal of the rejection is in order in view of the above-noted revision of the claims so as to be drawn to methods of disinfecting. Steps involved in the methods are recited. Reconsideration is requested.

Claims 18-29 stand rejected under 35 USC 112, first paragraph, as allegedly lacking written description. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions and comments that follow.

The phrase "aromatic substance adjuvants" has been revised to read "flavoring substance, adjuvants" -- consistent with the disclosure as filed. In this regard, attention is directed to page 4 of the English translation, line 32 and to the fact that the German word "Aromastoff" was mistakenly translated as "aromatic substance" (the specification has been revised to correct this translation error as well). Suitable "flavoring substances" and "adjuvants" are well known in the art.

In view of the above, reconsideration is requested.

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Claims 18-29 stand rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim amendments and for the reasons that follow.

The claims as now presented are drawn to methods (not uses) and do not include the phraseology to which the Examiner objects. Accordingly, reconsideration is requested.

Claims 18-29 stand rejected under 35 USC 102(b) as allegedly being anticipated by Berkowitz. Withdrawal of the rejection is in order for the reasons that follow.

Berkowitz discloses a topical *virucidal* formulation comprising potassium persulphate, sodium chloride, sulphamic acid, malic acid, disodium pyrophosphate and an anionic surfactant. The formulation is used for the prophylactic treatment for HIV or hepatitis infections. Applicant submits that the efficacy of the composition of Berkowitz is based on a combination of potassium persulphate, sodium chloride and sulphamic acid.

In contrast to Berkowitz, the efficacy of the composition of the instant invention is based on the in-situ production of chlorine by the interaction of chloride ions and an oxidation means. Furthermore, the claims as now presented are drawn to a method of disinfecting an object or body part contaminated with (or affected by) *Candida*.

In view of the above, reconsideration is requested.

Claims 18-20, 23-27 and 29 stand rejected under 35 USC 102(b) as allegedly being anticipated by Kross et al. The rejection is traversed.

Kross et al discloses a liquid disinfectant oral hygiene composition for reducing dental plaque and controlling gingivitis and periodontitis. The composition comprises

- a flavoring agent

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- an aqueous solution containing a suitable amount of a protic acid, e.g. a carboxylic acid, and
- an amount of a metal chlorite such that the chlorite ion concentration in the form of chlorous acid is no more than 15 w/w of the total amount of chlorite ion concentration.

The protic acid can be selected from the group of citric, malic, tartaric, glycolic and mandelic acid (col. 5, lines 8 to 10). The use of polyhydroxy compounds is recommended since these can catalyze the formation of chlorine dioxide (col. 5, lines 47 to 53). In addition, the composition may contain a large excess of chloride ion in the form of an alkali or alkaline earth metal salt. Allegedly, the about 10 to 100 fold excess of chloride ion over total chlorite ion concentration causes the chlorite ion to decompose in an accelerated manner via the formation of chlorous acid to form chlorine dioxide (col. 6, lines 15 to 23).

Applicant submits that the composition of Kross et al uses a metal chlorite compound for producing chlorous acid in an aqueous medium. The addition of an excess of chloride ion serves only to catalyze the decomposition of chlorite ion in chlorine dioxide (col. 6, lines 15 to 23). There is no oxidizing agent present with an oxidation potential that would allow the oxidation of Cl⁻ ion in solution. Accordingly, reconsideration is requested.

Claims 21, 22 and 28 stand rejected under 35 USC 103 as allegedly being obvious over Kross et al in view of Watson et al. Withdrawal of the rejection is in order for the reasons that follow.

The teachings of Kross et al are discussed above. Watson relates to cleaning and soil dispersing compositions comprising ethoxylated/propoxylated polyalkyleneamine polymers.

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Applicant submits that sodium peroxide is used just for bleaching purposes, not for the in-situ production of chlorine as in the present invention.

It is not clear from the Examiner's comments why one would have been motivated to combine the bleaching agent of Watson et al with the formulation of Kross et al. Indeed, it is submitted that it is only with hindsight of the present invention that the combination would have been made. Accordingly, reconsideration and withdrawal of the rejection are requested.

This application is submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

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